

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 53	-
Changed to Admin. Code Ref. (R no.):	R	-	-

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Steve Duncombe	801-530-6235	801-530-6511	sduncombe@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):
	Landscape Architect Licensing Act Rule
3.	Type of notice:
	New ____; Amendment XXX; Repeal ____; Repeal and Reenact ____
4.	Purpose of the rule or reason for the change:
	The Division and Landscape Architects Board reviewed the rule and determined minor amendments were needed pertaining to examination requirements and the reinstatement requirements of a license which has expired beyond two years.
5.	This change is a response to comments from the Administrative Rules Review Committee.
	No XXX; Yes ____
6.	Summary of the rule or change:
	Section 302b: Paragraph (3) is deleted which removes the requirement to take and pass the "open book, take home Utah Law and Rule Examination" as it is no longer part of the application for licensure. Section 308: Paragraph (3) is added that an applicant for reinstatement for licensure as a landscape architect, whose license has been expired for two or more years, shall provide documentation of having completed 16 hours of continuing education.
7.	Aggregate anticipated cost or savings to:
	A) State budget:
	Affected: No ____; Yes XXXX

	The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.		
	B) Local government:		
	Affected:	No XXXX; Yes ____	
	The proposed amendments only apply to licensed landscape architects and applicants for licensure in that classification. As a result, the proposed amendments do not apply to local governments.		
	C) Small businesses ("small business" means a business employing fewer than 50 persons):		
	Affected:	No XXXX; Yes ____	
	The proposed amendments only apply to licensed landscape architects and applicants for licensure in that classification. Licensees and applicants for licensure may work in a small business; however, the proposed amendments would not directly affect the business.		
	D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):		
	Affected:	No XXX; Yes ____	
	The proposed amendments only apply to licensed landscape architects and applicants for licensure in that classification. The Division anticipates the proposed amendments will not result in additional encumbrances for any party beyond what is currently identified by statute and rule.		
8.	Compliance costs for affected persons:		
	The proposed amendments only apply to licensed landscape architects and applicants for licensure in that classification. The Division anticipates the proposed amendments will not result in any additional costs or savings to affected persons.		
9.	A) Comments by the department head on the fiscal impact the rule may have on businesses:		
	This filing modifies the requirements that an individual must meet in order to obtain a license. No fiscal impact to businesses is anticipated.		
	B) Name and title of department head commenting on the fiscal impacts:		
	Francine A. Giani, Executive Director		
10.	This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.		
	State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :		
	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	
	Section 58-53-101		
11.	This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i>):		
		First Incorporation	Second Incorporation
	Official Title of Materials Incorporated (from title page)		
	Publisher		
	Date Issued		
	Issue, or version		
	ISBN Number (optional)		
	ISSN Number (optional)		
	Cost of Incorporated Reference		
	Action: Adds, updates, or removes		
	(If this rule incorporates more than two items by reference, please attach additional pages)		

12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):	08/14/2014	
	B) A public hearing (optional) will be held:		
	On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
13.	This rule change may become effective on (mm/dd/yyyy):		08/21/2014
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid"); may not include the name of the agency:		
	landscape architects	licensing	
15.	Attach an RTF document containing the text of this rule change (filename):		R156-53.pro
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel by W. Ray Walker, Acting Director	Date (mm/dd/yyyy):	06/23/2014

R156. Commerce, Occupational and Professional Licensing.

R156-53. Landscape Architects Licensing Act Rule.

R156-53-302b. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection 58-53-302(1)(e), an applicant for licensure shall pass the following examinations:

(1) the Landscape Architect Registration Examination (LARE) of the Council of Landscape Architectural Registration Boards; or

(2) the Uniform National Exam for Landscape Architects (UNE) of the Council of Landscape Architectural Registration Boards[; and

~~(3) as part of the application for licensure, pass all questions on the open book, take home Utah Law and Rule Examination].~~

R156-53-308. Reinstatement of a Landscape Architect License which has Expired Beyond Two Years.

In addition to the requirements in Section R156-1-308g and in accordance with Subsection 58-1-308(6), an applicant for reinstatement for licensure as a landscape architect, whose license has been expired for two or more years, shall:

(1) upon request by the Division, meet with the Board to evaluate the applicant's ability to safely and competently practice landscape architecture; [~~and~~]

(2) pass the Landscape Architect Registration Examination (LARE) of the Council of Landscape Architectural Registration Boards if it is determined by the Board and Division that examination or reexamination is necessary to demonstrate the applicant's ability to safely and competently practice landscape architecture; and

(3) provide documentation that the licensee, within two years prior to the date of the application, completed 16 hours of continuing education.

KEY: landscape architects, licensing

Date of Enactment or Last Substantive Amendment: ~~[October 13, 2011]~~ 2014

Notice of Continuation: February 7, 2013

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-53-101